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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,629	06/26/2003	Marc R. Marlatt	11336/535 (P02012US)	5094

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INDIANAPOLIS OFFICE 27879  
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INDIANAPOLIS, IN 46204-2033

EXAMINER

NGUYEN, TAN QUANG

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/606,629

Applicant(s)

MARLATT ET AL.

Examiner

TAN Q NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                                 |                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                            | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/26/2003</u> . | 6) <input type="checkbox"/> Other: _____                                                |

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## DETAIL ACTION

### *Notice to Applicant(s)*

1. This application has been examined. Claims 1-43 are pending.
2. The prior art submitted on June 26, 2003 has been considered.
3. Claim 36 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It seems that this is a typographical error in which claim 36 should be depended on claim 35 instead of 33. Correction is requested. In the rejections below, it is assumed that claim 36 depends on claim 35.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-4, 8, 9, 11-17, 32-39 and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al. (6,408,232) in view of Palomo et al. (6,405,126).

7. With respect to claims 1, 3, 4 and 8, Cannon et al. disclose a method and apparatus for communicating driver specific information of a driver of a vehicle which includes at least the steps of maneuvering the vehicle into a communication zone (see at least figure 4, item 402), temporarily establishing radio communication with the vehicle with a short range radio transceiver in response to entry into the communication zone (see at least figure 1 and figure 4, item 404), and bi-directional communicating driver specific information between a computing system and the vehicle (see at least figures 1 and 2).

8. Cannon et al. do not disclose that the steps of assigning a vehicle to a driver with the computing system and the driver specific information is transmitted from the computing system to the assigned vehicle. However, Palomo et al. suggest a rental system and method which includes the steps of receiving the user information about the intended destinations (user specific information) which obviously in the form of navigation coordinate as the input for the in-vehicle navigation and a text string for user to select, and wirelessly transmitting such information into the user assigned rental vehicle via radio transmitter (see at least the abstract, figure 6 and the related text). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine these teachings in order to provide the system with the enhanced capability of allowing the computing system to automatically transmit the user specific

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information to the assigned rental car when the user enter the communication zone in order to avoid manually entering the user specific information in the vehicle.

9. With respect to claim 2, Cannon et al. disclose that the communication is triggered when the vehicle enter the communication zone, i.e. garage, service center or rental station (see at least column 2, lines 34-48).

10. With respect to claim 9, Cannon et al. also disclose that the system includes a navigation radio, a global positioning system, a vehicle data store and a vehicle interface (see at least figure 2).

11. With respect to claims 11 and 12, the limitations of this claims have been noted in the rejections above as applied to claims 1, 3, 4 and 8. They are therefore considered rejected as set forth above. Cannon et al. do not disclose the display means for display travel path. However, Palomo et al. do suggest a displaying navigation information to the driver including the intended destinations to choose from and displaying the determined travel path on a moving map (see at least column 3, line 1-9). It would have been obvious to one of ordinary skill in the art to incorporate the displaying means of the Palomo et al. into the system of Cannon in order to provide navigation information to the user of the rental vehicle with the selected indented destination preset and ready for use.

12. With respect to claims 13 and 16, Cannon et al. disclose that the short range radio transceiver is capable of communicating over a distance of 100 meters or less (see at least column 2, line 65 to column 3, line 1).

13. With respect to claim 14, Cannon et al. disclose that the communication zone is limited to a vehicle staging area, i.e. garage or rental station (see at least column 2,

14. With respect to claim 15, Cannon et al. do not disclose that the additional information needed for the intended destination is transmitted to the vehicle. However, Palomo et al. do suggest such feature in which additional information for the intended destinations is download to the vehicle via the wireless transmission as shown in at least figure 6 and column 8, lines 46-56).

15. With respect to claim 17, Cannon et al. do disclose that the communication is a wireless radio frequency which operates in the desired RF frequency band with the desired range (see column 4, lines 19-21).

16. With respect to claims 32-39 and 43, the limitations of these claims have been noted in the rejections above. They are therefore considered rejected as set forth above.

17. With respect to claims 41 and 42, Cannon et al. do disclose that the driver specific information is stored in a vehicle profile record includes a vehicle ID, vehicle specification information and vehicle operational data (see at least figure 2 and column 4, lines 41-53).

18. Claims 5, 6, 24-31 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al. and Palomo et al. as applied to the claims above, and further in view of Videtich (2003/0144005).

19. With respect to claims 5, 6, 24 and 40, Cannon et al. and Palomo et al. disclosed the claimed invention as discussed above, except for the driver specific information is a vehicle interface setting specific to the driver. However, the transmitting of the user preference is known at the time the invention was made as shown in at least the abstract, figures 1, 4, and paragraph 0007 of the Videtich reference. It would have been

incorporate such teaching of Viddtich into the combined systems of Cannon et al. and Palomo et al. in order to automatically transmit the user preference such as radio setting, position setting etc. into the rental vehicle to avoid manually entering by the user, thereby providing a better vehicle rental system.

20. With respect to claim 25, Cannon et al. disclose that the communication is established when the vehicle is returning to the return station (see at least column 2, lines 39-45).

21. With respect to claims 26-29, the limitations of these claims have been noted in the rejections above. They are therefore considered rejected as set forth above.

22. With respect to claims 30 and 31, Cannon et al., Palomo et al. and Videtich do not disclose that the navigation instructions are transmitted to the driver to guide the driver to the drop off point. However, Cannon et al. do suggest the bi-communication between the vehicle and the system, Palomo et al. further suggest the transmission of the destination to the vehicle to guide the vehicle to that destination. It would have been obvious that the drop off point can be the destination when the vehicle is returning to the rental station, and can be transmitted to the vehicle when the vehicle is returning to the communication zone in order to guide the driver to the drop off point.

23. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al. and Palomo et al. as applied to the claims above, and further in view of McGowan (2003/0186715).

24. Cannon et al. and Palomo et al. disclosed the claimed invention as discussed above except for the transmitting a signal with about 1 milliwatt of power. However, McGowan suggest a wireless communication which using a short range radio link with a transmit power of about one miliwatt between the master wireless communication

device to a slave wireless communication device (see at least paragraph 0028). It would have been obvious to one of ordinary skill in the art to incorporate such teaching of McGowan into the combined systems of Cannon et al. and Palomo et al. in order to provide the wireless communication with the low power.

25. Claims 7, 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al. and Palomo et al. as applied to the claims above, and further in view of Durocher et al. (6,381,535).

26. Cannon et al. and Palomo et al. disclosed the claimed invention as discussed above except for a travel itinerary is transmitted to the rental vehicle instead of just the intended destinations. However, the transmission of the travel itinerary between the remote station to the vehicle is well known in the art at the time the invention was made as shown in at least the abstract and figures 1 and 3 of the Durocher et al. reference. It would have been obvious to one ordinary skill in the art to incorporate such teaching of Durocher et al. into the combined system of Cannon et al. and Palomo et al. in order to transmit the travel itinerary, which is determined at the remote center, to the rental vehicle in order to avoid the processing time of the in-vehicle navigation since the optimal route is already calculated based on the intended destinations.

### ***Conclusion***

27. All claims are rejected.

28. The following references are cited as being of general interest: Strong (6,006,148) and Rothert et al. (6,141,610).

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Q. Nguyen, whose telephone number is



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(703) 305-9755. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (703) 305-8233.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to the Official Fax Center:

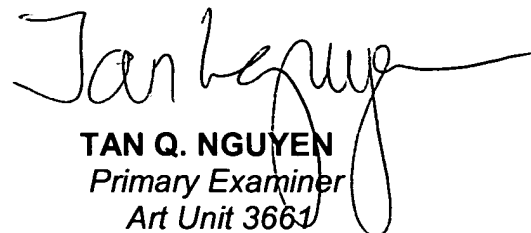
(703) 872-9306, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451 Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tqn  
December 10, 2004

  
**TAN Q. NGUYEN**  
Primary Examiner  
Art Unit 3661